



DAVE YOST

OHIO ATTORNEY GENERAL

Bureau of Criminal Investigation
Office 740-845-2100
Fax -740-845-2020

July 31, 2023

Dennis Murray
Murray & Murray
dmj@murrayandmurray.com

Re: Records Request #4072

Dear Dennis,

I am writing to confirm that the Ohio Attorney General's Office has processed your records request you submitted on July 6, 2023, regarding: "Our office represents John T. Sanders in connection with the loss of his eye at a protest in Cleveland on May 30, 2020 when shot with a beanbag by Cuyahoga County Deputy Sheriff Bruce Lourie. As you are aware from prior public records requests, Mr. Sanders was interviewed Special Agent Cory Momchilov in 2020. We request the complete file pertaining to BCI's investigation of Mr. Sanders, his injury, the events of May 30, 2020 and the actions, training and background of Dep. Lourie, his colleagues and superiors."

At this time any BCI records potentially responsive to your request are investigatory work product in a criminal law enforcement matter that has not concluded, and are therefore confidential law enforcement investigatory records (CLEIRs) pursuant to R.C. 149.43(A)(1)(h) and (A)(2). CLEIRs are exempt from disclosure under the Public Records Act to the extent that their disclosure would create a high probability that investigative work product (and other exempt matters) would be revealed. R.C. 149.43(A)(2)(c). The work product exception to the Public Records Act applies to the entire investigative file until the law enforcement matter has concluded. You can review these statutes online at <http://codes.ohio.gov>, and you can find more information on the CLEIRs exemption in the Attorney General's Ohio Sunshine Laws Manual at www.ohioattorneygeneral.gov/YellowBook (Chapter 6, Section A).

Additionally, these records are investigatory work product that currently constitute trial preparation records. Trial preparation records are exempt from disclosure, and are defined as "any record that contains information that is specifically compiled in reasonable anticipation of, or in defense of, a civil or criminal action or proceeding, including the independent thought processes and personal trial preparation of an attorney." Ohio Revised Code Section 149.43(A)(1)(g) and (A)(4). Again, virtually everything in a prosecutor's file during an active prosecution is either material compiled in anticipation of a special criminal proceeding or personal trial preparation of the prosecutor, and is therefore exempt from public disclosure as "trial preparation" material. *State ex rel. Steckman v. Jackson*, 70 Ohio St.3d 420, 432 (1994).



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This concludes our response to your records request. If you have any questions or concerns regarding our response, please feel free to contact us at (740) 845 - 2100.

Very respectfully,

Zahid H. Siddiqi
Chief Legal Counsel
Bureau of Criminal Investigation